

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

ALFRED L. CARTWRIGHT,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
GATE GOURMET, INC.)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, GATE GOURMET, INC., through counsel, petitions this Court pursuant to 28 U.S.C. §§ 1331, 1441 and 1446 for removal of this action currently pending in the Missouri Circuit Court, Twenty-First Judicial Circuit, St. Louis County, Missouri. In support of this petition, Defendant states as follows:

1. Defendant has filed this petition to remove this action pursuant to 28 U.S.C. § 1441 because this action could have been brought in this Court pursuant to federal question jurisdiction under 28 U.S.C. § 1331.

2. On or about September 21, 2011, Plaintiff, Alfred L. Cartwright, filed a Complaint against Defendant in the Missouri Circuit Court, Twenty-First Judicial Circuit, St. Louis County, Missouri, captioned *Alfred L. Cartwright v. Gate Gourmet*, Case No. 11-SL-AC 32415.

3. Defendant was served with the Complaint on October 6, 2011. Pursuant to Local Rule 2.03, a true and correct copy of the Summons and Complaint served upon Defendant is attached hereto as **Exhibit A**. Defendant has not received or been served with any pleadings in this matter other than the Summons and Complaint, nor has any Defendant answered, moved, or otherwise pled with respect to the Complaint.

4. Therefore, Notice of Removal is filed with this Court within thirty (30) days of receipt of the Complaint as required by 28 U.S.C. § 1446(b).

5. This action is properly removed to this Court because it is “founded on a claim or right arising under the . . . laws of the United States” within the meaning of 28 U.S.C. §§ 1331 and 1441(b). Specifically, federal question jurisdiction is present here because Plaintiff’s Complaint purports to state claims for discrimination and retaliation under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e. (Exh. A). Although Defendant denies the allegations made and contained in and the sufficiency of the Complaint, Plaintiff has purported to state federal questions on the face of his Complaint.

6. Venue lies in this Court because Plaintiff’s action is pending in the Missouri Circuit Court, Twenty-first Judicial Circuit, St. Louis County, Missouri, which is within this district and division. 28 U.S.C. § 1441(a).

7. Copies of all process and pleadings required to be filed with this Court under 28 U.S.C. 1446(a) are attached.

8. Defendant has given written notice of the filing of this petition to the Clerk of the Missouri Circuit Court, Twenty-first Judicial Circuit, St. Louis County, Missouri, as required by 28 U.S.C. § 1446(d). *See Exhibit B* hereto.

WHEREFORE, Defendant, Gate Gourmet, Inc. gives this Notice of Removal of the action against them now pending in the Missouri Circuit Court, Twenty-first Judicial Circuit, St.

Louis County, Missouri, and respectfully requests that this Court accept jurisdiction of this action.

Dated: October 28, 2011

Respectfully submitted,

GATE GOURMET, INC.

By: /s/Thomas O. McCarthy

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October, 2011, I caused a true and correct copy of the foregoing **Notice of Removal** to be served upon Plaintiff, Alfred L. Cartwright, by depositing a copy of the same, postage prepaid and before the hour of 5:00 p.m., in the U.S. Mailbox.

Alfred L. Cartwright
P.O. Box #595
St. Ann, MO 63074

/s/ Thomas O. McCarthy
Attorneys for Gate Gourmet, Inc.